UNITED
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Security Council

Distr.
GENERAL

S/1994/1242
3 November 1994

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Noting with appreciation the work of the Security Council's mission in transmitting directly to Somalia's political parties the views of the Council on the situation in Somalia and on the future of the United Nations in that country,

Having considered the reports of the Secretary-General dated 17 September 1994 (S/1994/1068) and 14 October 1994 (S/1994/1166), and the oral report of the Security Council's mission to Somalia given on 31 October 1994,

Paying tribute to the thousands of personnel of the United Nations Operation in Somalia (UNOSOM), and to the Unified Task Force (UNITAF) as well as humanitarian relief personnel who have served in Somalia, and honouring, in particular, those who have sacrificed their lives in this service,

Noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community,

Commending the efforts of the special representatives of the Secretary-General to bring Somali factions together in national reconciliation,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and bringing peace to Somalia,

Convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re-emergence of a civil society in Somalia,

Recalling that the date already foreseen for termination of the current United Nations Operation in Somalia (UNOSOM II) is the end of March 1995,

Recognizing that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of UNOSOM II beyond March 1995 cannot be justified,

Recognizing further that termination of the mandate of UNOSOM II by the end of March 1995 implies a secure and orderly phasing out of its military component in advance of that date,

Noting the assurances of cooperation and non-interference with such withdrawal received from all Somali parties during the Council's mission to Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping in Somalia,

Underlining particularly, in this context, the overriding need for all possible measures and precautions to be taken to ensure that UNOSOM II does not suffer any casualties in the process of withdrawal,

Emphasizing its willingness to encourage the Secretary-General to sustain a facilitating or mediating political role for Somalia beyond March 1995 if that is what the Somalis want and if the Somali parties are willing to cooperate with the United Nations,

Concerned that the United Nations should continue to work with regional organizations, in particular the Organization of African Unity (OAU), the League of Arab States, and the Organization of the Islamic Conference (OIC), and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there,

Recognizing also the impact that the situation in Somalia has had on neighbouring countries including, in particular, flows of refugees,

Noting also that the United Nations will do its best to sustain humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise, but that their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somali parties,

Confident of the willingness of the United Nations to remain ready to provide through its various agencies rehabilitation and reconstruction assistance, including assistance to the police and judiciary to the extent that the situation in Somalia develops in such a way as to make that practicable,

Noting further the interest of humanitarian agencies and non-governmental organizations in cooperating with the United Nations after the withdrawal of UNOSOM II in transitional arrangements for mutual assistance,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances including, in

particular, the absence of a government in Somalia, acting under Chapter VII of the Charter of the United Nations,

1. Decides to extend the mandate of UNOSOM II for a final period until 31 March 1995;

2. Affirms that the primary purpose of UNOSOM II until its termination is to facilitate political reconciliation in Somalia;

3. Welcomes the intention of the Secretary-General, expressed in paragraph 23 of his report dated 14 October 1994, to continue throughout the period of the mandate of UNOSOM II, and even afterwards, the efforts of his special representative to help the Somali parties achieve national reconciliation;

4. Urges all Somali factions to negotiate as soon as possible an effective cease-fire and the formation of a transitional government of national unity;

5. Decides that every effort should be made to withdraw all UNOSOM II military forces and assets from Somalia in a secure and orderly manner as soon as possible, as described in the Secretary-General's report dated 14 October 1994 before the expiry date of the current mandate of UNOSOM II and without compromising on the paramount need of ensuring the safety of UNOSOM II personnel;

6. Authorizes UNOSOM II military forces to take those actions necessary to protect the UNOSOM II mission and the withdrawal of UNOSOM II personnel and assets, and, to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations;

7. Emphasizes the responsibility of the Somali parties for the security and safety of UNOSOM II and other personnel engaged in humanitarian activities and in this context strongly demands that all parties in Somalia refrain from any acts of intimidation or violence against such personnel;

8. Requests Member States to provide assistance in the withdrawal of all UNOSOM II military forces and assets, including vehicles, weapons, and other equipment;

9. Requests that the Secretary-General keep the Council informed about the progress of the withdrawal process;

10. Invites the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue their efforts in cooperation with the United Nations in the search for lasting peace in Somalia;

11. Calls upon all Member States, in particular the neighbouring States, to continue to provide support for all Somali efforts towards genuine peace and national reconciliation and to refrain from any action capable of exacerbating the conflict situation in Somalia;

12. Reiterates the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992) and in this regard requests the Committee established by resolution 751 (1992) of 24 April 1992 to fulfil its mandate as described in paragraph 11 of that resolution, in particular to seek the cooperation of neighbouring States for the effective implementation of this embargo;

13. Further requests the Secretary-General to continue to monitor the situation in Somalia and to the extent possible to keep the Security Council informed in particular about developments affecting the humanitarian situation. the security situation for humanitarian personnel in Somalia, repatriation of refugees and impacts on neighbouring countries; and to report to the Security Council before 31 March 1995 on the situation in Somalia and to submit suggestions concerning the role that the United Nations could play in Somalia beyond that date;

14. Decides to remain actively seized of the matter.

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/49/637
S/1994/1243
3 November 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 148
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Forty-ninth year

Letter dated 3 November 1994 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a copy of the letter dated 3 November 1994 from the Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, Dr. Mate Granić, to you (see annex).

I would kindly request your assistance in distributing this letter and its annex as a document of the General Assembly, under agenda item 148, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

ANNEX

Letter dated 3 November 1994 from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia to the Secretary-General

I have to express the serious concern of the Republic of Croatia regarding the most recent military developments on the occupied territories of Croatia, where the Serbian paramilitary units in the United Nations Protected Area (UNPA) Sector North are preparing a strong military offensive against the Republic of Bosnia and Herzegovina.

It is absolutely unacceptable for the Republic of Croatia to tolerate such actions by self-proclaimed Serbian authorities in the occupied territories of Croatia, which they pursue against a neighbouring and friendly sovereign country, a Member of the United Nations, the Republic of Bosnia and Herzegovina. Croatia reserves the right to act with all appropriate means against any military involvement from its sovereign territory against the Republic of Bosnia and Herzegovina.

The present situation underscores the urgent need for the Security Council finally to begin implementing its own decisions, including the Vance Plan, which provides for the disbandment and demobilization of all paramilitary units in the UNPAs, as well as Security Council resolution 769 (1992) of 7 August 1992, which provides for effective control of the Croatian international borders which coincide with the boundaries of UNPAs. Furthermore, by pursuing an explicitly prohibited military offensive, the Serbian authorities in the occupied territories of the Republic of Croatia are committing an extremely serious violation of the Zagreb Cease-fire Agreement of 29 March 1994.

My Government considers that the highly coordinated action of the Serbian occupying forces in Croatia and the Bosnian Serbs, aimed, inter alia, at destabilizing the wider region, gravely jeopardizes the territorial integrity of the Republic of Croatia and the Republic of Bosnia and Herzegovina. These actions are also clearly aimed at undermining the peace process in general, and in particular the ongoing negotiations between my Government and the self-proclaimed Serbian authorities in the occupied territories.

I have to underscore once again the resolute position of my Government that any act of formal or factual political or military unification of the occupied territories of the Republic of Croatia with any entity in the territory of the former Yugoslavia shall not be tolerated.

(Signed) Dr. Mate GRANIĆ

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General Assembly
Security Council

Distr.
GENERAL

A/49/638
S/1994/1244
3 November 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 70
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-ninth year

Letter dated 3 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter of His Excellency Mr. Vladislav Jovanović, Minister of Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda item 70, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 1 November 1994 from the Minister of Foreign Affairs of Yugoslavia to the Secretary-General

On 31 October 1994, between 1.20 p.m. and 1.30 p.m., the Army of the Republic of Croatia fired from the area of Češmina Glava and Pelimovo Brdo three mortar shells, one of which exploded in the territory of the Federal Republic of Yugoslavia in the area of Kožen Do.

The Army of Yugoslavia did not return fire.

This unprovoked armed attack by the Croatian side was a threat to the security of the territory and population of the Federal Republic of Yugoslavia, including members of the Army of Yugoslavia.

It constitutes a serious provocation and a violation of the agreement on cease-fire and the settlement of the Prevlaka issue in accordance with Security Council resolution 779 (1992).

The cease-fire agreement, as you will recall, provided a basis, and continues to do so, for all the agreements concerning Prevlaka and the security in that region.

Considering that the Croatian side has carried out similar provocations in the past, the recent shelling may constitute a dangerous escalation in the violation of the above agreement and the territory of the Federal Republic of Yugoslavia, in defiance of the authority of the United Nations which is the guarantor of the entire Prevlaka agreement.

At the same time, Croatia continues fortification works in the "blue" and "yellow" zones at Prevlaka in outright disregard of the provisions of the demilitarization agreement, Security Council resolution 779 (1992) and the clearly defined mandate of the United Nations Protection Force (UNPROFOR). Besides, the planting of mines on communication lines within the "blue zone" in October 1994 was carried out in gross violation of the status of the zone and the security of the United Nations personnel.

Such acts and behaviour, including the latest shelling of the territory of the Federal Republic of Yugoslavia, are contrary to the efforts of the international community and the Federal Republic of Yugoslavia to bring about a negotiated, peaceful and just solution to all outstanding problems.

The Federal Republic of Yugoslavia expects the United Nations to condemn most strongly the behaviour of the Republic of Croatia and to prevent the escalation of its aggressive attitude towards the Prevlaka issue and the repetition of similar actions in the future and to take appropriate measures to compel the Croatian side to abide by the commitments it has undertaken, including the method of solving all outstanding issues by peaceful means.

(Signed) Vladislav JOVANOVIĆ

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Security Council

Distr.
GENERAL

S/1994/1245
3 November 1994

ORIGINAL: ENGLISH

REPORT OF THE SECURITY COUNCIL MISSION TO SOMALIA ON 26 AND 27 OCTOBER 1994

Letter of transmittal

Letter dated 3 November 1994 from the members of the Security Council mission to Somalia addressed to the President of the Security Council

We have the honour to transmit herewith the report of the Security Council's mission to Somalia, which took place on 26 and 27 October 1994. The report is submitted to the Security Council in accordance with a decision taken by the Council during informal consultations on 20 October 1994.

(Signed) WANG Xuexian
(China)

(Signed) Hervé LADSOUS
(France)

(Signed) Colin KEATING
(New Zealand)
(Chairman)

(Signed) Isaac E. AYEWAH
(Nigeria)

(Signed) Kamran NIAZ
(Pakistan)

(Signed) Yuriy V. FEDOTOV
(Russian Federation)

(Signed) Karl F. INDERFURTH
(United States of America)

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I. INTRODUCTION

1. In resolution 946 (1994) of 30 September 1994, the Security Council declared its readiness to consider sending a mission of the Council to Somalia at an appropriate time to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there.

2. At the consultations of the whole held on 20 October 1994, the Security Council decided to send such a mission, which would depart for Somalia on 24 October 1994. At that time, the Council adopted an informal document entitled "Somalia: guidelines for Security Council mission" (see annex I).

3. The mission of the Security Council was led by Mr. Colin Keating, Permanent Representative of New Zealand to the United Nations. Other members of the mission were Mr. Wang Xuexian (China), Mr. Hervé Ladsous (France), Mr. Isaac E. Ayewah (Nigeria), Mr. Kamran Niaz (Pakistan), Mr. Yuriy V. Fedotov (Russian Federation) and Mr. Karl F. Inderfurth (United States of America). The mission was assisted by two United Nations Secretariat staff: Ms. Elisabeth Lindenmayer (Department of Peace-keeping Operations) and Mr. Shigeru Mochida (Department of Political Affairs).

4. Prior to its arrival in Somalia, the mission members prepared a statement to be delivered to Somali faction leaders (see annex II).

5. The mission visited Somalia on 26 and 27 October. Its programme of work (see annex III) included meetings with Mr. Ali Mahdi Mohamed, Spokesman for the Somali Salvation Alliance (SSA), and General Mohamed Farah Aidid, Chairman of the United Somali Congress/Somali National Alliance (USC/SNA) (see annexes IV and VI). The mission received briefings on recent political developments from the Special Representative of the Secretary-General, H.E. Mr. James Victor Gbeho, and on the military aspects of the United Nations Operation in Somalia (UNOSOM II) operation relevant to withdrawal from the Force Commander, General Aboo Samah Bin Aboo Bakar. The mission also had a meeting with representatives of United Nations agencies and international non-governmental organizations (NGOs) operating in Somalia (see annex IX). In Nairobi, the mission had the opportunity to exchange views with the representatives of the Horn of Africa countries (see annex VIII) and the members of the Security Subcommittee of the Somalia Aid Coordination Body (SACB) (see annex X). The Chairman and the members of the mission also held a press conference each, in Mogadishu and Nairobi respectively.

II. ACTIVITIES OF THE MISSION

6. The mission's arrival in Mogadishu on 26 October coincided with consultations being held by factions allied with Mr. Ali Mahdi in North Mogadishu, and by factions associated with General Aidid in South Mogadishu, following the issuance of the memorandum on 14 October by General Aidid's USC/SNA and 11 other factions, calling for the convening of a national reconciliation conference on 27 October 1994.

A. Briefings by UNOSOM II

1. Briefing by the Special Representative of the Secretary-General

7. On 26 October, Ambassador Gbeho briefed the mission on current political developments. In particular, the mission was apprised of his intensive efforts to discourage General Aidid from convening a national reconciliation conference without the participation of those factions allied with Mr. Ali Mahdi. The mission was informed of General Aidid's decision to reschedule the convening of such a conference to 1 November 1994, which had been communicated to the Special Representative only a few hours prior to the mission's arrival in Mogadishu.

8. According to the Special Representative, the only remaining obstacle to the convening of an inclusive national reconciliation conference was actually the procedural question regarding who should be represented and take the decision to establish a Government. In his observation, there was already a broad agreement to stop fighting, to convene a national reconciliation conference and to establish a national Government by the end of the year. He felt that one solution to the question of participation might be for both sides to agree to set up a credentials committee as is often customary with conferences. This idea apparently was acceptable to Mr. Ali Mahdi but not to General Aidid. The Special Representative was concerned that General Aidid would unilaterally proceed with convening a national reconciliation conference on 1 November and declare a Government, which, in his assessment, would invite renewed fighting. He urged the mission to counsel the factions strongly to proceed on the basis of an inclusive approach to national reconciliation.

2. Briefing by the Force Commander

9. The Force Commander's briefing on 26 October covered an overview of the current deployment and operation of UNOSOM II troops; the security conditions in each area of responsibility of UNOSOM II in southern Somalia; the current status of force reduction, its effects and existing vulnerabilities, including a review of recent cases of withdrawal from outlying areas that involved the forced transfer of assets to local parties; UNOSOM II's assistance to the Somali police; and the withdrawal planning scenarios and support requirements. The Force Commander made a special reference to the fact that the flow of arms into Somalia was continuing unabated despite the Security Council's arms embargo.

10. The members of the mission focused on the details of withdrawal and practical difficulties associated with it, in particular implications on time requirements for completion of the withdrawal. The Force Commander explained that the estimated requirement of 120 days for withdrawal assumed the continuation of current security conditions and the availability of shipping and offshore support from Member States, including hospital ships and amphibious support. According to the Force Commander, an emergency withdrawal could be accomplished much more quickly. An intermediate scenario was also outlined. He made it clear that, if any of the assumptions changed, then the time required for withdrawal would also change. He further indicated that the kind of support asked of Member States would depend on what UNOSOM II needed to take out of

Somalia. He stated, in that connection, that he would advise the Security Council through the Secretary-General if the situation changed for the worse.

B. Meetings with Somali faction leaders

1. Meeting with Mr. Ali Mahdi and faction leaders associated with him

11. On 26 October 1994, the Security Council mission, accompanied by the Special Representative, held a meeting with Mr. Ali Mahdi and 13 faction leaders (see annex IV) associated with him under SSA. These 13 faction leaders included the chairmen of several signatory factions to the Addis Ababa agreement, those of a few new factions and even a "new chairman" of USC/SNA who, according to Mr. Ali Mahdi, had replaced General Aidid. The joint statement addressed to the mission by Mr. Ali Mahdi and his colleagues is reproduced in annex V.

12. H.E. Mr. Colin Keating, Chairman of the mission, read out the message of the Security Council, prepared on the basis of the guidelines adopted by the Council. The texts of the message and the guidelines, the title of which had been adjusted to read "Elements of presentation made by the Security Council mission", were subsequently presented to Mr. Ali Mahdi.

13. The message of the Security Council was well received by Mr. Ali Mahdi and the faction leaders present. In responding to the message on behalf of his colleagues, Mr. Ali Mahdi assured the mission of their continued cooperation with the Secretary-General and the Security Council. He stated that SSA factions had never been involved in any confrontation with the United Nations and he pledged that SSA would cooperate in the phasing out of the military component of UNOSOM, but added that it would also seek the cooperation and assistance of the United Nations in the reconstruction of Somalia. He appealed to the international community not to abandon Somalia only because of the obstructive policies of one of the faction leaders. The Chairman and members of the mission, while noting the assurances of cooperation expressed by Mr. Ali Mahdi, reminded him and his colleagues that in the coming weeks, the Security Council would be monitoring the situation in Somalia to judge if their words were matched by actual developments on the ground.

2. Meeting with General Aidid and faction leaders associated with him

14. On 27 October 1994, the Security Council mission, accompanied by the Special Representative, met with General Aidid and 12 other faction leaders (see annex VI) currently associated with him, including the leaders of 4 splinter groups of the signatories to the Addis Ababa agreement. The memorandum jointly prepared by these 13 factions was presented to the mission. The text of the memorandum is reproduced in annex VII.

15. Ambassador Keating made a statement identical to that delivered earlier to Mr. Ali Mahdi and the SSA, conveying the message of the Security Council. In underlining the importance the mission attached to an inclusive national

reconciliation conference, he added that any regime that would emerge from a non-inclusive national reconciliation conference could not expect to acquire legitimacy or recognition in the eyes of the international community. The texts of the message and the guidelines (Elements of presentation made by the Security Council mission) were subsequently presented to General Aidid.

16. In response to the message, General Aidid said that he and his colleagues were determined to resolve the Somali crisis and that they would do everything possible to ensure that the remaining influential leaders were represented at the national reconciliation conference. However, he added that the 13 leaders present represented 95 per cent of the population of Somalia and would, therefore, proceed with the conference even if the remaining leaders did not join. He explained that the Somalis should not be expected to secure 100 per cent support of the population before forming a Government, since such was not the case elsewhere in the world.

17. On behalf of his colleagues, General Aidid assured the mission that they would protect the personnel and property of UNOSOM during the phasing out of UNOSOM II. He also assured them that UNOSOM and other international personnel would be treated with respect as they were considered guests of the Somali people. General Aidid added that Somalia needed the assistance of international NGOs and would ensure their protection following the withdrawal of UNOSOM II, and he repeatedly expressed the hope that the United Nations and the international community would continue to assist Somalia with reconstruction and other areas after the withdrawal of UNOSOM II.

18. Responding to questions from members of the mission regarding participation in the conference by Mr. Ali Mahdi, from whom they had detected a sense of willingness to enter into dialogue with General Aidid, the latter informed the mission that he and his colleagues would welcome Mr. Ali Mahdi's participation in the conference through USC, led by Mr. Mohamed Qanyare Afrah, and that he could also join the broad-based Government by competing for a post as a member of Somali society and as a member of the Central Committee of USC.

19. While expressing appreciation for the assurances given with respect to the establishment of a broad-based Government and the security of UNOSOM II during withdrawal and of humanitarian assistance activities after that, the Chairman and members of the mission stated to General Aidid and his colleagues that the international community would be observing with keen interest the situation on the ground to determine whether or not the assurances given in the meeting would be matched with deeds, and that the United Nations and the international community would be judging the worthiness of future cooperation with Somalia based on such cooperation as they would receive. In particular, the mission urged General Aidid and his colleagues to use the coming few days to ensure that the conference would be inclusive, and stated that the Security Council would give its full support to the Special Representative in his efforts to provide channels of communication and to facilitate reconciliation among the Somali factions.

C. Meeting with the representatives of the Horn of Africa countries

20. On 27 October in Nairobi, the mission, at its request, met with the representatives of the Horn of Africa countries, namely Djibouti, Eritrea, Ethiopia and the Sudan (see annex VIII), to brief them on its mandate and the result of its visit to Somalia. The members of the mission stressed the importance that the Security Council attached to cooperation with regional organizations such as the Organization of African Unity (OAU) as well as with the neighbouring countries of Somalia. The representatives of the Horn of Africa countries assured the mission that neighbouring countries had always expressed their willingness to be involved in addressing the problem of Somalia, that they were already playing a role and that they would continue to do so.

21. Ambassador Keating laid particular emphasis on the fact that the mission's message to the faction leaders had been that a national reconciliation conference had to be genuinely inclusive, that there could not be any artificial exclusion of concerned Somali parties, and that the international community would judge the legitimacy of any regime that would emerge from the conference from such a perspective.

22. In view of the possible consequences of failure to achieve national reconciliation in Somalia and of the special leverage that the neighbouring countries have with the Somali factions, the members of the mission urged cooperation between the United Nations and the Horn of Africa countries, including in making the existing arms embargo on Somalia effective. Such cooperation should be aimed at promoting national reconciliation by discouraging a non-inclusive, and encouraging an inclusive, national reconciliation conference and an interim Government in Somalia.

D. Meeting with United Nations agencies and NGOs and the Somalia Aid Coordination Body

23. On 27 October 1994, the mission met with representatives from United Nations agencies and international NGOs in Mogadishu (see annex IX). They expressed appreciation of UNOSOM II's contribution to the protection of aid convoys, guarding of ports, etc. They understood the inevitability of UNOSOM II's withdrawal and stated their realization that, in the long run, they must conduct their activities without UNOSOM II's assistance. While declaring their commitment to continue their work even after the withdrawal of UNOSOM II, they all shared the concern that security conditions in Somalia would worsen following withdrawal. Some expressed a desire for some form of assistance in that regard during the transitional period leading to and immediately after withdrawal and for access to certain UNOSOM physical assets. Others disagreed. In general, value was seen in an ongoing United Nations presence.

24. In response to queries about the withdrawal plan, the Special Representative pledged to brief the agencies and NGOs at the next meeting with them now that UNOSOM II had a draft withdrawal plan. He took the opportunity to assure the representatives that UNOSOM II included all international staff of

agencies and NGOs in its emergency withdrawal plan, should that become necessary.

25. Also on 27 October 1994, the mission met with the members of the SACB Security Subcommittee in Nairobi (see annex X). In sharp contrast with the United Nations agencies and NGOs that the mission had met in Mogadishu, this group held a negative view of an ongoing United Nations role in facilitating political reconciliation. They expressed their intention to continue their activities after the withdrawal of UNOSOM II.

26. However, the Ambassador of Ethiopia, a member of the Subcommittee, expressed a strongly dissenting view, saying that, while the fatigue of the international community was understandable, immediate abandonment of Somalia by the United Nations was not desirable because there was no infrastructure in Somalia to facilitate political reconciliation or to permit coordination of reconstruction of the country. He added that Somalia's neighbours were too poor to help and that only the international community could do so.

III. OBSERVATIONS AND RECOMMENDATIONS

A. UNOSOM mandate

27. The Security Council mission concluded that 31 March 1995 was the appropriate date to be included in the Security Council's resolution as the end of the mandate of UNOSOM II. None of the Somali factions requested a longer extension, nor did the humanitarian organizations or NGOs.

28. Withdrawal of the military component of UNOSOM II will be complex and potentially dangerous. Somali cooperation with withdrawal is possible but cannot be taken for granted. Availability of military assets from Member States to cover such a withdrawal will be essential and will, in some respects, determine the completion of the withdrawal. The availability of commercial shipping will also be a key factor if withdrawal is to be orderly and if equipment is to be repatriated. Of overriding importance in this entire exercise will be the safety of personnel.

29. Issues that will arise include possible transfer of certain assets of humanitarian value (e.g. pumps, generators, etc.) to local Somali communities and NGOs.

B. Security Council message to Somali factions

30. The message based on the guidelines agreed to by the Council was conveyed in the form of a prepared statement and its text was given to the faction leaders.

31. The factions were told of the Council's expectation that they would cooperate with UNOSOM's withdrawal and that they understood that the international community's ability to provide humanitarian/reconstruction/

development assistance in the future would depend upon achieving a secure environment. This, in turn, would depend on political reconciliation.

32. The mission made it clear that only a genuinely inclusive approach to political reconciliation was likely to lead to such a secure environment, and therefore that the legitimacy of any unilaterally declared governments would be doubtful.

C. The future

33. The mission confirmed to all concerned Somali parties, representatives of the neighbouring States, and United Nations agencies and NGOs engaged in humanitarian activities, the Council's desire not to abandon Somalia.

34. The humanitarian organizations and NGOs confirmed their intention to continue to operate in Somalia if security conditions permitted. Their views were sharply divided as to whether the United Nations could or should seek to assist in this regard.

35. All Somali authorities and most agencies viewed the ongoing role of the United Nations in providing facilitation and support for the political process as useful. Successful political reconciliation would take a long time and the United Nations should recognize that reality. Security conditions may, however, present problems to the Special Representative of the Secretary-General in performing such a role after the UNOSOM military component withdraws.

36. The question of the United Nations role in assisting with security in the post-UNOSOM period was raised. Any such role would require careful consideration by the Secretary-General and the Security Council.

D. Role of neighbouring States

37. The ambassadors of the Horn of Africa countries in Nairobi were briefed on the Council's message to the parties and were urged to use their bilateral contacts to promote genuine national reconciliation and to refrain from supporting any divisive action by any of the Somali factions. The risks of a return to civil war were noted, including the possible impact on regional stability and renewed refugee flows. In that connection, they were also urged to support the Security Council's efforts to have the arms embargo observed.

38. The important role that OAU and other regional organizations could play to ameliorate the situation in Somalia was underlined.

E. Conclusion

39. The visit accomplished its purpose of clarifying the mission's understanding of the issues involved in the critical decision to be taken by the Council. The mission also served the purpose of clarifying the Somali leaders' understanding of the issues involved as well.

40. The Somali factions received the Council's message with a surprising degree of acceptance.

41. Assurances were given by two divided groups of Somali factions on cooperation with UNOSOM withdrawal, on long-term security for humanitarian assistance and on their intention to bring about genuine political reconciliation.

42. The Somali parties were left in no doubt that the Council would weigh these assurances in the light of their actions.

43. The mission's visit provided a timely opportunity to influence political events in a positive direction. The mission is hopeful that its visit may have had some useful impact.

44. However, everything that the mission saw left its members with a profound sense of unease and a fear that, whether or not UNOSOM leaves, political reconciliation or the emergence of a Government that enjoys widespread acceptance is far from certain. The risk of a return to civil war is real.

45. The Security Council should continue to receive reports and monitor the situation in Somalia, given its role to date, even after the withdrawal of UNOSOM.

Annex I

Guidelines for the Security Council mission

1. The date already foreseen for termination of the United Nations mission in Somalia (UNOSOM) is the end of March 1995. The lack of progress in the peace process and on national reconciliation among Somalis, taken together with the lack of Somali cooperation over security issues, have fundamentally undermined the United Nations objectives in Somalia. In these circumstances, continuation of UNOSOM beyond March 1995 cannot be justified.

2. This implies an orderly and progressive phasing out of the military component of UNOSOM in advance of that date. The Somali lack of cooperation with that process is more likely to accelerate it than to retard it.

3. The United Nations will be ready to sustain a facilitating or mediating political role beyond March 1995 if that is what the Somalis want and if they are willing to cooperate with the United Nations.

4. The United Nations will continue to work with regional organizations, in particular the Organization of African Unity (OAU), and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there.

5. The United Nations will do its best to sustain humanitarian activities throughout Somalia and to encourage non-governmental organizations (NGOs) to do likewise, but their ability to do so will depend almost entirely on the degree of cooperation and security offered by the Somalis.

6. The United Nations will remain ready to provide, through its various agencies, rehabilitation and reconstruction assistance if the situation in Somalia develops in such a way as to make that practicable.

Annex II

Message conveyed by the Security Council mission to the Somali faction leaders on behalf of the Council

Mogadishu, 26 and 27 October 1994

We have come a long way in order to meet personally with you and deliver a solemn message to you on behalf of the Security Council. This is an exceptional step for the Council to take, matching both the gravity of the situation that now confronts Somalia and the depth of the concern felt by the international community.

In dispatching this mission, the Council wanted to make sure that all the Somali faction leaders, and indeed all Somalis, would realize that their country is at a crossroad and that the Council is about to take decisions that will profoundly affect the future role of the United Nations in Somalia.

The Security Council is faced with a critical decision in view of unusual circumstances. It is essential for all Somali leaders to realize that the responsibility for what will now happen to their country will rest squarely on their shoulders.

You will need to respond to the overwhelming desire of the Somali people for peace and reconciliation. This has been, for the past two and a half years, the path that the United Nations has consistently urged the Somali leaders to follow. At Addis Ababa in 1993 and in Nairobi in 1994 you had all agreed to do so. There is no other path.

In this connection, the Security Council mission wishes to convey to the Somali people, especially its leaders, a sense of the profound disappointment felt by the international community at the lack of progress in achieving political reconciliation and an improvement in the security conditions.

As you know, the Secretary-General has reported to the Security Council that the political reconciliation process is at an impasse. The result has been a vacuum of civil authority and governmental structure. This has left the United Nations with no basis to underpin its efforts to help Somalia to emerge from the present crisis. Security conditions have continuously deteriorated, especially in Mogadishu, and the tragic toll in lives of peace-keepers and relief workers and Somali personnel has continued to rise. As you are also aware, the date already foreseen for termination of the United Nations peace-keeping mission (UNOSOM) is the end of March 1995. In the absence of adequate Somali cooperation, the assumptions underlying the UNOSOM deployment in Somalia have been fundamentally undermined and so have the prospects of achieving the United Nations objectives as set out by the Security Council. In these circumstances, continuation of UNOSOM beyond March 1995 cannot be justified.

This implies an orderly and progressive phasing out of the military component of UNOSOM in advance of 31 March 1995. The Security Council mission expects the Somali leaders to cooperate in creating the security conditions that

will facilitate the phasing-out process. Any lack of cooperation along these lines would be likely to accelerate rather than retard this process. This mission would welcome assurances that every effort will be made to ensure that the security of United Nations personnel and assets will not be put at risk.

The termination of the UNOSOM mandate will not mean that the United Nations will abandon Somalia. The United Nations will be ready to sustain a facilitating or mediating political role beyond March 1995 if that is what the Somali leaders want and if they are willing to cooperate with the United Nations to that end.

For its part, the United Nations will continue to work with regional organizations, in particular OAU, and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there.

Furthermore, the Secretary-General has asked his Special Representative to continue his efforts to help the Somali leaders to achieve national reconciliation.

However, whether or not the continued efforts at a political settlement bear fruit, the Security Council appeals to all Somali factions and clans to forgo resort to violence as a means of sorting out their differences. The people of Somalia have suffered enough. Their ordeal must come to an end. They long for peace. A resumption of large-scale civil strife would be an indescribable disaster which must be avoided.

In particular, it is essential for the Somali factions at this stage to agree on convening a broad-based national reconciliation conference along the lines set out in the Nairobi declaration of March 1994.

A conference without the participation of all 15 Somali factions that signed the Nairobi declaration, plus the Somali National Movement (SNM), would be a recipe for continued strife and violence and the United Nations could not be a party to a divisive move of this kind. The mission urges all Somali leaders to meet in an inclusive reconciliation conference and to get on with the vital task of forming an interim Government.

The Security Council mission wishes to assure the Somali people that the United Nations, together with its agencies and programmes, will do its best to sustain humanitarian activities throughout Somalia and to encourage non-governmental organizations to do likewise. But their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somalis. Continued attacks and looting will make it impossible to carry on the humanitarian activities effectively.

The United Nations will remain ready to provide, through its various agencies, rehabilitation and construction assistance if the situation in Somalia develops in such a way as to make that practicable. In this regard, the Unified Task Force and UNOSOM take satisfaction in the fact that starvation was stopped in Somalia through the joint efforts of the international community and many Somalis.

Lastly, the Security Council mission wishes to remind the faction leaders that the international community has made tremendous personnel and financial commitments to Somalia. These commitments cannot continue indefinitely, particularly in the absence of a meaningful improvement of the situation. The Council must reassess its involvement in Somalia in the broad context of its world-wide agenda. This is the thought that the mission wishes to impress upon the Somali leaders.

Annex III

Programme of the Security Council mission to Somalia

Wednesday, 26 October 1994

1020 hours	Arrival at UNOSOM II headquarters
1040-1225 hours	Briefing by the Special Representative of the Secretary-General, H.E. Mr. James Victor Gbeho
	Working lunch with the Special Representative of the Secretary-General and senior members of UNOSOM II
1350-1550 hours	Meeting with Mr. Ali Mahdi and the Somali Salvation Alliance (SSA)
1730-1955 hours	Briefing by the Force Commander of UNOSOM II, General Aboo Samah Bin Aboo Bakar

Thursday, 27 October 1994

0800-0935 hours	Meeting with General Aidid, the Somali National Alliance (SNA) and associated factions
1050-1110 hours	Press conference
1200-1320 hours	Meeting with United Nations agencies and international NGOs
	Working lunch with the Special Representative of the Secretary-General and senior members of UNOSOM II
	Transfer to Nairobi
2005-2030 hours	Press conference
2050-2130 hours	Meeting with representatives of the Horn of Africa Group (Djibouti, Eritrea, Ethiopia and Sudan)
2135-2215 hours	Meeting with members of the Somalia Aid Coordination Body (SACB)

Annex IV

List of leaders present at the meeting with Mr. Ali Mahdi
26 October 1994
(titles as presented)

Mr. Ali Mahdi Mohamed	Interim President
Mr. Abdulkadir Zobe	Vice President
Gen. Mohamed Abshir Muse	Chairman, SSDF
Gen. Adan Abdullahi Nur	Chairman, SPM
Adv. Abdi Muse Mayo	Chairman, SDM
Mohamud Khalif	Vice-Chairman, SNF
Omar Hashi Adan	Vice-Chairman, USC/PM
Mohamed Ramdan Arbo	Chairman, SAMO
Adv. Mohamed Ragis	Chairman, SNU
Adv. Abdullahi Moallim	Head of USC delegate
Mohamed Abdi Hashi	Chairman, USP
Mr. Mukhtaar	Vice-Chairman, SSNM
Mr. Caana Nuug	Vice-Chairman, SDA
Abdinasir Ahmed Adan Serjito	Chairman, USC/SNA (Gyr. Habar Gedir)
Abdullahi Hirsi Drishe	Chairman, SSV (Saleeman/Habar Gedir)

Annex V

Memorandum dated 26 October from the Somali Salvation Alliance

To: The Security Council delegation (by hand)
H.E. Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

cc: Ambassador Victor Gbeho
Special Representative of the Secretary-General in Somalia
UNOSOM, Somalia

On behalf of the Somali Salvation Alliance (SSA), we submit to you this memorandum exposing our views on the present political situation, reflecting the deep aspirations of the vast majority of the Somali people who uphold peace, nationalism and democracy and firmly reject all attempts to plunge Somalia back into civil war, tribalism and military dictatorship.

We aim to highlight the relevant factors and crucial issues of the present political situation, putting the emphasis on the indispensable active mediation role that in our view the United Nations is to assume in the ongoing national reconciliation process to ensure the achievement of a just and lasting solution to Somalia's political crisis, which is the common concern of our people and the international community.

Furthermore, we would like to outline herewith our views on major issues of national interest that need to be addressed together with concrete and practical proposals to enhance the reconciliation process, overcome the present standstill caused by the illogical attempt of a minority group to hijack the reconciliation process and dictate its will to the majority. We oppose the present sterile contraposition and animosity among the political factions and favour an innovative problem-solving approach stemming from the mutual comprehension and clear understanding that today the common and unique objective of all patriotic and peace-loving people is to keep the Somali nation from falling back again into the horrors of civil war and starvation.

We would like to take this opportunity, on behalf of the Somali people and the political organizations members of our Alliance, to express to the Secretary-General of the United Nations, H.E. Mr. Boutros Boutros-Ghali, and to his assistants, to the Security Council and to the member countries that have contributed in different ways to the United Nations mission in Somalia, in particular to the people and Government of the United States of America, our deep gratitude and sincere appreciation for the historic humanitarian intervention and peace mission to rescue our people and assist Somalia to stand again on its feet and regain its legitimate position among the family of nations.

ON UNOSOM'S EARLY WITHDRAWAL FROM SOMALIA

In our view today Somalia is again at the crossroads. The choice is between genuine reconciliation and permanent confrontation, lasting peace and endless interclan fighting, justice and equality, and total dismemberment of the Somali nation.

The political climate and the security situation in the capital, Mogadishu, and in the country as a whole that showed tangible progress at the beginning of this year has been negatively affected externally by the pressures for the early withdrawal of UNOSOM and internally by the renewed attempt of the SNA group, encouraged by the appeasement tactics of UNOSOM officials, to transform unilaterally the planned national reconciliation conference into a launching pad for the self-proclamation of its military dictatorship.

Clearly the pressures for the abandonment of Somalia in this crucial moment will only favour the forces that oppose the return of Somalia to peace and democracy and that are committed to frustrating the successful accomplishment of the United Nations mission in Somalia and the reinstatement of the United Nations sovereignty and the establishment of a genuine Government of national unity.

The SSA leadership would like to inform the United Nations Security Council mission of the encouraging new positive trends, currently under way, towards the peaceful settlement of the existing political differences through a genuinely broad-based national reconciliation process. In particular we would like to mention here the recent USC/SNA conference and the election of Abdinasir Mohamed Adan "Serjito" as the Chairman of USC/SNA.

We would like to underline to the Security Council mission the fact that UNOSOM's early withdrawal will wholly nullify all the valuable achievements that cost the international community a high toll in human lives and massive inputs of material and financial resources.

ON UNOSOM'S MISTAKES, SHORTCOMINGS AND DEVIATIONS

We are of the opinion that the stubborn opposition and obstruction of the SNA group to the implementation of the Addis Ababa agreements and the Nairobi Conference declaration is the root cause of the present stalemate. The persistent aggressive actions carried out by the SNA against several Somali clans in the central and southern regions, pursuing their declared objectives of territorial expansion, disrupted the progress so far made and the gradual return to normal life achieved by the interclan peace and reconciliation agreements reached by the clan traditional leaders and elders at the regional level, in the central regions, Mogadishu, Kismayo, Dhobley, etc.

The recent events in Hiran region and in Lower Shabelle are clear proof of the escalation of the subversive activities of the SNA, culminating in the unprovoked attack against the UNOSOM military contingents in Beled Weyn and Merka.

We are seriously disappointed and concerned by UNOSOM officials' continued appeasement attitude and constant submission to SNA group's unchallenged deceptive tactics and diktats to the extent of renouncing its proper active mediation role in accordance with the resolutions of the United Nations Security Council. In our view this is based on long-standing misunderstanding and misinterpretation of the basic realities of the Somali political situation and society, which erroneously overestimated the role of General Aidid and the SNA group and based UNOSOM's decisions on the baseless assumption of SNA group's "key role" in the solution of Somalia's political crisis. On the contrary, UNOSOM persistently neglected the broad popular support enjoyed by the SSA political organizations throughout the country and systematically downplayed the fundamental role and the principled stand of these political organizations in favour of a peaceful settlement and the rebuilding of Somalia on a new democratic basis.

Notwithstanding the fact that in such a large and complex mission like UNOSOM, errors and deviations are possible, the deviations and shortcomings on the part of UNOSOM officials are beyond any reasonable expectation and are actually jeopardizing the achievement of the ultimate objectives of its mission.

In fact, since the early stage of UNOSOM I, UNOSOM officials constantly pursued a policy of employing in key and sensitive positions officials connected with General Aidid and the SNA group. In spite of the existing hostilities between the SNA group and UNOSOM, General Aidid supporters enjoyed more than 85 per cent of the benefits earmarked for the Somali population in terms of employment opportunities, contract awards and project implementation, house and vehicles' rental.

The officially admitted theft of 4 million United States dollars is evident proof of UNOSOM mismanagement and unaccountability, benefiting on the other hand Aidid's group and penalizing the majority.

The recent SNA attack against the UNOSOM Zimbabwean contingent in Beled Weyn, and the looting of their weapons, ammunitions and military vehicles, met a bland verbal protest and is still unanswered. This behaviour casts serious doubts on UNOSOM officials' connivance with the SNA group, considering the fact that the Zimbabwean contingent of 168 soldiers was not only promptly supported but was ordered to a humiliating surrender, and the call for the immediate return of the weapons, ammunition and military vehicles remained empty words to keep quiet internal and international public opinion.

Furthermore, the fuel used by the SNA in their military attack against Beled Weyn was airlifted by UNOSOM to Galkayo together with a consistent number of persons under the pretext of logistical support to a non-existing interclan reconciliation meeting in Mudug region and the cover of transporting displaced people to their district of origin. The same happened in Merka and Brava in the Lower Shabelle region where UNOSOM military contingents stationed there stepped aside and passively assisted SNA aggression against the civilian population of these towns.

Moreover, UNOSOM officials, deviating from their previous stand of impartiality and respect for Somali political organizations' autonomy as per the

Addis Ababa agreements, unexpectedly interfered in the internal affairs of SSDF by endorsing arbitrarily the self-appointment of Colonel Abdullahi Yusuf as Chairman of SSDF in open contrast with the decisions of the SSDF traditional leaders confirming General Mohamed Abshir Muse as the legitimate interim Chairman of SSDF for a period of one year.

This interference will only contribute to further confusing the present situation, together with the unilateral decision of UNOSOM officials to assign to Colonel Abdullahi Yusuf a "mediation role" without the prior consensus of the concerned political organizations and their leaders.

The UNOSOM officials are passively observing the SNA group's manoeuvres and attempting to replace three political organizations signatories of the Addis Ababa and Nairobi agreements, namely SAMO, SNU and SSNM, and their legitimate leaders, with three prefabricated SNA affiliations with the complicity of the SNA "appointed Chairmen".

We also strongly object to the channelling of the allocated fund for the Sool and Sanaag regions through the secessionist authority of the north-west. By doing so we feel that UNOSOM violates both United Nations Security Council resolution 897 (1994) and the recommendations of the donors at the fourth humanitarian conference held in Addis Ababa in December 1993.

UNOSOM's response concerning this subject was that it was pressured by the United Kingdom Government through its mission at United Nations Headquarters.

ON THE NATIONAL RECONCILIATION PROCESS

The UNOSOM policy of appeasement towards SNA is the cause of the continuous postponement of the Preparatory Meeting of the National Reconciliation Conference planned for 15 April 1994 and the subsequent convening of the National Reconciliation Conference on 15 May 1994 in accordance with the Nairobi Conference declaration of last March.

UNOSOM submitted to the unilateral position advanced by the SNA group under the pretext of the indispensable conclusions of the fifth SSDF Congress in Qardho, the Absame Conference in Dhobley and the SNM request to participate in the national reconciliation process after they reversed their former secessionist stand and now advocated the unity of the country on a federal basis.

The ultimate objective of these delay tactics advanced by General Aidid and accepted by UNOSOM aimed to gain time for his political manoeuvres directed to secure the recognition of the "appointments" of Colonel Abdullahi Yusuf as SSDF Chairman, of Colonel Omar Jess as Chairman of the "unified" SPM and of Abdurahman Ahmed Ali as the SNM Chairman.

The above manoeuvres and the clear renunciation by UNOSOM of its active mediation role encouraged General Aidid and the SNA group to embark on a unilateral call for the convening of a national reconciliation conference to

deliberate under their dictate in an attempt to grab political power through undemocratic and deceptive tactics.

We clearly state here that SSA firmly opposes the above manoeuvres and the unilateral SNA call for the convening of a national reconciliation conference organized by it. Our principled stand has always been and still remains the following:

(a) The National Reconciliation Conference should be convened under the auspices of the United Nations and with its active mediation to ensure that its deliberations and agreements will be recognized and guaranteed by the United Nations and the international community;

(b) The National Reconciliation Conference should be preceded by a Preparatory Meeting to decide jointly the date, venue, participation criteria, procedures, chairing, etc.;

(c) Participation in the National Reconciliation Conference will be limited to the following 16 political organizations: the 15 political organizations signatories of the Addis Ababa agreements and Nairobi Conference declaration of March 1994 and SNM;

(d) The political organizations' delegations should include, among others, political leaders, intellectuals, traditional religious chiefs, community elders and women's groups to ensure the broad participation of all social strata;

(e) The earliest date for the convening of the preparatory meeting could be the beginning of November and the National Reconciliation Conference about 20 November. A final decision should be made jointly by all the 16 political organizations after the positive conclusion of their ongoing consultations;

(f) We reiterate our firm commitment to participate in a United Nations-sponsored national reconciliation conference.

We strongly recommend the United Nations Security Council mission to ensure the strict adherence by UNOSOM of the spirit and letter of the Security Council resolutions and support UNOSOM to assume an active mediation role based on genuine impartiality among all Somali political factions in accordance with the agreements of Addis Ababa and Nairobi with the ultimate objective of restoring peace, stability and democracy.

The National Reconciliation Conference will have the priority objectives of reconciling existing political differences on major issues of national interest and pave the way for the establishment of a central Government of national unity that will lead Somalia to free and fair democratic elections within about two years.

In all stages - the consultations, preparatory meeting and during the conference itself - UNOSOM should play an active role of mediator and monitoring, to ensure the adherence of the conference to the agreements of Addis Ababa and Nairobi signed by all the participants. The Conference should reach concrete and functional solutions to the following key issues:

(a) The future constitutional setup of the Somali State; unitary State/federation, parliamentarian/presidential;

(b) Composition and powers of new State organs: presidency/parliament/central Government/judiciary;

(c) Regional autonomy: power of the autonomous regions and balance of power between the central Government and the regions.

The Conference should deliberate upon and set up specific guarantees against the restoration of military dictatorship and should dissipate reciprocal suspicion and distrust, and reassure specifically the minority social groups and communities about their legitimate worries by setting up also guarantees against clan hegemony that is a legacy of the past dictatorial regime.

ON THE IMPLEMENTATION MECHANISM AND GUARANTEES

The setting up of an effective implementation mechanism is an issue of particular concern for the success of the National Conference. The failures and shortcomings of the previous reconciliation conference were due to the lack of an appropriate implementation mechanism agreed upon to follow up and monitor the effective implementation of the agreements reached. Specific and adequate guarantees are indispensable safeguards against violations and breaches of commitments.

In case the peace process does fail, we strongly propose that a Cambodia type of United Nations administration be imposed on Somalia for a period not less than three years so that law and order can be retained. The militia must be disarmed and demining is vitally important. Also this administration will lead Somalia to civic elections.

Annex VI

List of leaders present at the meeting with General Aidid
27 October 1994
(titles as presented)

Mohamed Farah Aidid	Chairman, USC/SNA
Abdullahi Yusuf Ahmed	Chairman, SSDF
Ahmed Omar Jess	Chairman, SPM/SNA
Mohamed Qanyare Afrah	Chairman, USC
Mohamed Nur Aliyo	Chairman, SDM/SNA
Abdiaziz Sheik Yusuf	Chairman, SSNM/SNA
Sheikh Jama Haji Hussein	Chairman, SAMO
Ismail Bubu Hurreh	Vice-Chairman, SNM
Abdurahman Dualeh Ali	Chairman, USF
Ali Ismail Abdi	Chairman, SNDU
Omar Mungani Aweys	Chairman, SNU
Ahmed Guure Adan	USP
Mohamed Farah Abdullahi	Chairman, SDA

Annex VII

Memorandum dated 27 October 1994 submitted to the Security Council mission to Somalia by the 13 signatories

1. We wish to take this opportunity to welcome warmly the Security Council mission to Somalia, and would like to express our deep appreciation for the continued efforts of the Security Council to assist the Somali people to resolve their political differences. We also wish to express to the delegation our sincere commitment to work towards the achievement of a durable political settlement to restore peace and security in our country and to re-establish in it a broad-based Government which can, with the cooperation of the international community, begin to rehabilitate and reconstruct the economic and social fabric of our society.

2. We are happy to note that the mission has arrived in Somalia at a time when the myth that Somalis were hopelessly divided into two opposing camps has been proven wrong by the recent encouraging developments. The mission has arrived when most of the political leaders representing the vast majority of the people have agreed to resolve their political differences and have taken a common political stand as reflected by the Mogadishu memorandum of 14 October 1994, signed by 12 of the 16 political organizations.

3. We are happy to inform you today that peace and stability as well as a sense of national reawakening are materializing throughout the whole of Somalia, encompassing the northern and southern regions of the country, making the fear of national disintegration, secession and clan warfare recede into the shadows of history, and moving forward the peace process and the prospects for a comprehensive national reconciliation conference. Although the Somali political organizations that are present with you today have contributed to the creation of this hopeful atmosphere, we must admit that it is our people, the Somali masses, whose popular will to overcome the trepidations of civil war and national chaos, has contributed the most to the materialization of this new era that is beginning to dawn in Somalia. The sustained pressure of the international community to prod us towards making peace instead of war has also contributed its share towards the creation of this atmosphere of dialogue and discussion.

4. The Somali political organizations have come a long way from the politics of the gun to the politics of dialogue and discussions and have contributed a great deal towards making peace realizable and security attainable. The political organizations held two major conferences since the beginning of 1993. In the Addis Ababa agreement of 27 March 1993, the Somali political organizations reached an agreement to stop hostilities, disarm the feuding groups and make arrangements that could have led towards the establishment of a transitional national council. In the Nairobi declaration of 24 March 1994 it was agreed to make the necessary arrangements to form a transitional government. In addition to these two major conferences, the political organizations held a series of meetings at the local, district and regional levels to move forward the peace process as well as to reverse the tide of secession in the north of the country in a peaceful manner. Among these meetings were:

(a) The central region peace conference, held successfully in Mogadishu on 4 June 1993 between SSDF, SNDU and SNA;

(b) The Lower Juba reconciliation conference, held in Kismayo on 4 June 1994;

(c) The Hirab peace conference, held in Mogadishu in January 1994;

(d) The Absame reconciliation conference, held in Dobley in June-July 1994;

(e) The Murusade-Habargidir peace conference, held in Mogadishu in June 1994;

(f) The SNM conference with SNA and the announcement of the end of the secession of the north from the rest of the country on 29 April 1994;

(g) The SNM, SDA, USF and USP northern-based political organizations' Djibouti meeting, from 13-17 August 1994;

(h) The consultations and subsequent declaration of the 12 political organizations to hold a national reconciliation conference on 27 October 1994.

5. The convening of this reconciliation conference is in many ways the culmination of the efforts of the Somali political organizations and the United Nations under the auspices of the Security Council to maintain national unity and find a sustainable political settlement for the Somali problem as a prerequisite for restoring peace and security, re-establishing central government structures and services, and commencing the process of rehabilitation and reconstruction of our country. The conference will work towards the formation of a broad-based transitional national Government with a federal structure to be agreed upon and ratified by the transitional national mechanism as well as a national reconstruction plan with the vision, versatility and applicability necessary to put it into action. We will need the support of the international community and particularly that of the United Nations to work out the details of this plan as well as to find the means to execute it successfully.

6. The convening of this reconciliation conference is also a continuation of the efforts we have made to find a durable political settlement to our problem in the Addis Ababa and Nairobi conferences. The criteria for participation in this conference would therefore be based on the following understanding:

(a) Participant organizations must be members of the 15 signatory political factions of the Addis Ababa agreement of 27 March 1993, plus the participation of SNM as stipulated in the above agreement;

(b) It is important to note here that the agreement specifies that it is the signatory factions as factions per se rather than as individual names that signed for the factions that carry the authority of representation;

(c) In case of change of leadership through a democratic process or means (elections) in any particular faction, the newly elected leader of that faction will thereafter be the legitimate representative leader of the faction in the reconciliation conference, in accordance with the constitution of that faction.

7. As previously agreed upon and accordingly announced on 14 October 1994, the opening of the National Reconciliation Conference was scheduled to take place on 27 October 1994. However, in deference to the request of the Security Council mission to Somalia to meet with the Somali political leaders on 27 October 1994, and in consideration of the wishes of some Somali faction leaders as well as to the appeal of the Special Representative of the Secretary-General in Somalia, we decided to reschedule the opening date of the National Reconciliation Conference to take place on 1 November 1994. We believe that this postponement will provide all concerned parties sufficient time to express their views on this critically important conference and prepare themselves adequately for it. We call upon all our Somali brothers to respond positively to this gesture and join us in participating in this conference where the problems facing Somalia will be discussed and resolved. We request the international community to give its support and assistance to this forthcoming National Reconciliation Conference.

8. We wish to inform the distinguished members of the mission that, after the opening ceremony of the conference, we will continue consultations with political leaders who are not in the conference until a common understanding on major political issues is achieved. We reject violence as a means of settling disputes between political factions, and we put a high premium on the process of reconciliation through discussions and dialogue. To bring about this process, over 1,000 delegates, observers and guests will attend the conference, representing every segment of the Somali society, including clan elders, religious leaders, women, youth, intellectuals, professionals and local non-governmental organizations.

9. We would like to reiterate our commitment to finding a durable settlement to our current problem. We also believe in the democratic process and adhere to it in resolving national issues. It is the acceptance of the rights of the majority and the protection of the rights of the minority which underlies this process. We constitute 13 organizations of the constituent signatory members of the Addis Ababa and Nairobi agreements. Nevertheless, we are calling upon the remaining three members to join us so that together we could shoulder the responsibility of saving our nation from chaos, warfare and disintegration.

Signatories

1.	SAMO	Sheikh Jama Haji Hussein	Chairman
2.	SDA	Mohamed Farah Abdullahi	Chairman
3.	SDM (SNA)	Mohamed Nur Aliyo	Chairman
4.	SNDU	Ali Ismail Abdi	Chairman
5.	SNM	Abdirahman Ahmed Ali	Chairman
6.	SNU	Omar Mungani Aweys	Chairman
7.	SPM (SNA)	Ahmed Omar Jess	Chairman
8.	SSDF	Abdullahi Yusuf Ahmed	Chairman
9.	SSNM	Abdiaziz Sheik Yusuf	Chairman
10.	USC (SNA)	Mohamed Farah Aidid	Chairman
11.	USC	Mohamed Qanyare Afrah	Chairman
12.	USF	Abdurahman Dualeh Ali	Chairman
13.	USP	Ahmed Guure Adan	Chairman

Annex VIII

List of ambassadors of the Horn of Africa countries

1.	Ambassador of Djibouti to Kenya	H.E. Saleh Haji Farah Dirir
2.	Ambassador of Ethiopia to Kenya	H.E. Ofato Alew
3.	Ambassador of Ethiopia and the Horn of Africa Standing Committee's envoy to Somalia	H.E. Lissane Yohannes
4.	Ambassador of Eritrea to Kenya	H.E. Beyene Russom
5.	Ambassador of the Sudan to Kenya	H.E. Elsir Mohammed Ahmed

Annex IX

List of participants: United Nations agencies and international NGOs

1.	Talib Ali	Food and Agriculture Organization of the United Nations-Somalia Operation
2.	M. Devadoss	United Nations Educational, Scientific and Cultural Organization-Somalia
3.	Robert Hagan	World Health Organization-Somalia
4.	Raymond A. Collins	Office of the United Nations High Commissioner for Refugees-Mogadishu
5.	E. Hounsokou	UNHCR
6.	Erling Dessau	United Nations Development Programme-Somalia
7.	Piet Winnubst	World Food Programme headquarters
8.	Ferdinando Zanusso	WFP-Somalia
9.	Raymond Janssens	United Nations Children's Fund headquarters
10.	Pierce Gerety	UNICEF Somalia
11.	Beverly Irwin	WorldVision International
12.	David Neff	Cooperative for American Relief Everywhere, Inc. (CARE)
13.	Korky Schaetker	International Medical Corps
14.	Julian Bauer	ECOTERRA International
15.	Robert Meredith	World Concern
16.	Ramos Artiach	Médecins sans frontières-Spain
17.	Mohamed Abdirahman	American Friends Service Committee
18.	Alwahab M. Mohamed	International Islamic Relief Organization (IIRO)
19.	Farah Sheikh	African Muslim Agency (AMA)
20.	Mahamud Ahmed	Al-Hamramain Islamic Foundation (HIF)
21.	Ahmed Abdulle	CARE

22.	Sukyung Yoon	Hisan
23.	Bill Condie	UNICEF
24.	Ibrahim Koroma	United Nations Volunteers/UNDP
25.	Edward Johns	United Nations Conference on Trade and Development
26.	Joe Brunswig	International Civil Aviation Organization
27.	Ken Perkins	International Development and Relief Board (IDRB)
28.	Omar A. Abdi	Muwafaq Charity Foundation (MCF)
29.	J. F. Pietri	Action Internationale contre la Faim
30.	Nancy Smith	Oxfam-UK
31.	Nigel Tricks	Daikonia Caritas Germany (DCG)
32.	De Mey Piet	Comitato Internazionale per lo Sviluppo (CISP)
33.	Ga'al Rashid	CISP
34.	Savorani Guido	CISP
35.	Ali Sheikh Arhi	Somali National Consortium (SNC)
36.	Ahmed Mohamed Ahmed	SNC
37.	Dr. Gutaale	SNC

Annex X

List of participants: SACB Security Subcommittee

Mr. Sigurd Illing, Chairman, SACB Standing Committee European Commission, Special Envoy to Somalia

Mr. Giovanni Brauzzi, Vice-Chairman, SACB Standing Committee, Counsellor, Italian Embassy

Mr. Gerry McCrudden, First Secretary, British High Commission

Mr. Ron Ullrich, Director, United States Agency for International Development, Somalia

Mr. Jack Hjelt, Deputy Director, United States Agency for International Development, Somalia

Mr. Basi Papadopoulos, Head of Unit, Horn of Africa, European Commission

H.E. Mr. Lissane Yohannes, Horn of Africa Standing Committee

Mr. Erling Dessau, Resident Representative, UNDP, Somalia

Mr. S. Varadachary, Director, United Nations Development Office for Somalia

Mr. Alexandros Yannis, Personal Assistant to the Chairman, SACB Standing Committee

2-3 NGO representatives

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1246
3 November 1994

ORIGINAL: ENGLISH

LETTER DATED 2 NOVEMBER 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report which was addressed to me on 2 November 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in paragraph 3 of Security Council resolution 943 (1994) (see para. 27).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Operations of the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Report of the Co-Chairmen of the Steering Committee

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 943 (1994), adopted on 23 September. In that resolution the Security Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the Republica Srpska;

(b) "To prohibit the stay of the members of the leadership of the Republic Srpska (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the Republica Srpska, except food, clothing and medicine."

3. On 19 September 1994 and on 3 October 1994, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074 and S/1994/1124). The report dated 3 October 1994 contained the following certification from the Co-Chairmen:

> "Based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnås, and in the absence of any contrary information from the air, whether airborne reconnaissance system of the North Atlantic Treaty Organization (NATO), or from national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is meeting its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces".

Developments in the past 30 days are dealt with below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues in force. No new legislation or decrees have been issued. However, following a considerable amount of liaison work between the authorities and the Mission to improve the routines and procedures of the customs authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), some customs officers have been changed and the cooperation and efficiency of customs officers improved.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

5. As of 2 November, 118 international personnel were on duty with the Mission. The Mission personnel to date have come from Belgium, Canada, the Czech Republic, Denmark, Germany, the European Union, Finland, France, Ireland, Netherlands, Norway, Portugal, the Russian Federation, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. Since the start of the Mission, 16 members have completed their contracts and left the Mission area. They have not been replaced by the countries from which they came. Another 12 members will arrive from Canada between 4 and 11 November. Twenty additional members from the United States, as well as 20 from the Sanctions Assistance Missions Communication Centre (SAMCOMM), Brussels are confirmed but their date of arrival is not yet known. The delay in the arrival of the Mission personnel promised has forced the Mission to change its operational procedures slightly. Caravans have been provided to all border crossings and members of the Mission are currently required to stay on duty on these points for 12 hours at a time. With time for transport, this means that the Mission members still have at least 14 working hours per day. With this, however, it has been possible to cover the main border crossings 24 hours a day despite the shortage of personnel.

7. The Mission is still operating under tight financial constraints. At a meeting of the Expanded Steering Committee of the International Conference on the Former Yugoslavia, held on 5 October 1994, the following decisions were taken regarding the financing of the Mission:

(a) Costs for personnel should be covered by the sending State;

(b) Voluntary contributions to the common costs were welcome;

(c) Residual common costs should be financed through assessed contributions.

8. The following pledges of voluntary contributions have been made:

(United States dollars)

Canada	100 000	
Denmark	100 000	
Norway	100 000	
Sweden	100 000	
Switzerland	150 000	(in the form of airlifts Geneva-Belgrade)
United States	400 000	
United States	500 000	(in the form of communications equipment)

The following funds have actually been received:

Canada	100 000	
Denmark	100 000	
Norway	100 000	
Switzerland		15 airlifts Geneva-Belgrade
United States	400 000	

9. On 1 November a note was sent to members of the Expanded Steering Committee asking that countries wishing to make further voluntary contributions inform the secretariat of the Conference by 17 November 1994. Voluntary contributions pledged by 11 November 1994 will be set off against the projected budget for the Mission.

IV. FREEDOM OF MOVEMENT OF THE MISSION

10. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). A matter of concern has been the difficulty the Mission encountered to enter a factory compound with a connecting bridge at Raca 5 kilometres north-west of Briboj. The bridge, however, was under observation and from 20 October it was watched 24-hours a day. On 21 October, Mission members were allowed to enter and to see the complete complex. The Mission Coordinator personally visited the factory on 27 October.

11. On a few occasions, members of the Mission have been threatened by people crossing the border check-points. In the assessment of the Mission Coordinator, this may indicate that the efforts made by the Mission are having an impact and are making life difficult for smugglers. Negative reactions have also been experienced on two occasions at the packing centres in Belgrade and Niksic.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

12. In the assessment of the Mission Coordinator, the cooperation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be satisfactory. While minor problems may still exist at the local and lower levels - and will probably continue to do so - this, in the assessment

of the Mission Coordinator, does not influence or change the overall broadly satisfactory picture.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

13. The Mission Coordinator has made a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Coordinator has received some such information and measures have been taken to follow-up and to check the information received. The operating principle of the Mission is to base itself on its own observations and on information that it has verified.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

14. As the cooperation between the Mission and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) results in improved control along the border, the number of detected smuggling attempts consequently rises.

15. In the northern part of the border between Serbia and the territory held by the Bosnian Serbs, the main problem being encountered is the sometimes rather intensive traffic across the border, with small-scale attempts at smuggling in cars and buses. At some of the border crossings, the quality of the work carried out by the customs officers has occasionally not been satisfactory.

16. A small passenger train, which on some occasions in the past was used between Sremska Raca and Bijeljina, has, at the request of the Mission, been stopped.

17. Freight trains between Belgrade and Bar, in Montenegro, which pass through the territory held by the Bosnian Serbs for about 12 kilometres, have now started to be controlled and sealed by the Mission at stations on each side of the border. This control, however, demands quite a lot of personnel and consequently constitutes a strain on Mission resources.

18. In Montenegro, efforts to smuggle goods across the border appear to be better organized than in Serbia. What seems to be attempts by individuals in the northern part of the Mission area is here carried out by companies bringing truckloads to the border. On four occasions trucks have been found trying to bypass border controls. On 13 October, 10 trucks managed to bypass the check-point at Ilijino Brdno and on 21 October another 3 trucks also passed into Bosnia. On a number of occasions, however, trucks have been intercepted by the police, the goods confiscated and drivers arrested. The Mission has raised these concerns with both the Federal Republic of Yugoslavia (Serbia and Montenegro) and Montenegrin officials. The Mission Coordinator discussed the matter during a meeting he had with President Bulatovic of Montenegro. As a result, efforts to block bypassing more effectively are continuing and will eventually prevent further attempts by smugglers to avoid the border check-points. At present those efforts are contested by local individuals, destroying

steel bars that were erected. Measures will therefore continue to be taken that hopefully will discourage any attempt to reopen these tracks.

19. A number of "duty free shops" along the border in Montenegro dealing mainly in cigarettes have, at the request of the Mission, been closed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

20. On 14 October International Conference on the Former Yugoslavia members reported a helicopter flying at low altitude into the territory held by the Bosnian Serbs at Krstac in Montenegro. Information concerning possible helicopter flights across the border into Bosnia and Herzegovina was submitted to the Security Council on 25 and 27 October (see S/1994/5/Add.75, annex I, serial Nos. 3015-3018, annex II, serial No. 3007, and S/1994/5/Add.76, annex I, serial Nos. 3027 and 3028; annex II, serial No. 3026).

21. The Co-Chairmen have taken a very serious view of this and discussed the matter in detail with President Milosevic during a meeting with him in Belgrade on Wednesday 26 October 1994. President Milosevic replied that the allegations were being investigated and that the results would be communicated to the Mission. He insisted that no such flights took place with the consent, knowledge or acquiescence of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). He emphasized that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) were resolute in their determination to enforce the border closure. He added that it was not in the interest of the Federal Republic of Yugoslavia (Serbia and Montenegro) if unauthorized helicopter flights were confirmed. He informed the Co-Chairmen when they saw him again on Friday, 28 October, that a double control system had since been instituted for any military or police helicopter flight. Furthermore, special elements of the police had been placed in the area of the Tara mountains, where some of the helicopter flights were reported to have taken place, in order to guard against any possibility of unauthorized conduct going against the express instructions of the Government to close the border. President Milosevic reaffirmed that the policy of the Government was to seal the border against the Bosnia Serbs, except for food, clothing and medicine.

22. On 31 October, the Mission Coordinator was called in by President Milosevic to discuss the issue of the helicopter flights. President Milosevic once again confirmed his resolve to control the border and reiterated the measures he had undertaken to achieve that goal. He informed the Mission Coordinator that the investigations were still going on, that some changes of personnel had been made and that the means of control and of technical surveillance of the border had been strongly reinforced. He assured the Mission Coordinator that the control of Serbian and Montenegrin airspace now would make it impossible to fly any unannounced flights. Any aircraft making such an attempt would be detected and forced to land. The Mission Coordinator's assessment as of 2 November is that:

> "Notwithstanding the fact that reported helicopter flights as well as trucks passing the border constitute violations of the border closure, I conclude that the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to meet its commitment to close the border towards the Bosnian Serbs. The measures that the authorities have said they are taking, would take, should be satisfactory. During the following 30-day period,

the International Conference on the Former Yugoslavia Mission will try to verify if these measures, especially those with regard to control of the airspace, are effective and suited to preventing further violations of this kind."

VIII. REPRESENTATIONS ON BEHALF OF HUMANITARIAN ORGANIZATIONS

23. The Mission Coordinator has sought to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) in their efforts to get the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement the border closure in such a manner as would not adversely affect their ongoing programmes in eastern Bosnia. On 6 October 1994, the Co-Chairmen received from the UNHCR Special Envoy for the Former Yugoslavia a copy of a letter sent that day to the Foreign Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro) on difficulties being encountered by UNHCR. The Special Envoy's letter stated that, as a result of measures adopted by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Federal Customs Authorities had begun denying passage to humanitarian assistance other than food, medicines and clothing. The Special Envoy continued:

> "Other types of humanitarian assistance have been a part of UNHCR humanitarian assistance programme in all areas of Bosnia and Herzegovina since its inception, as they are of the programmes of ICRC and other humanitarian organizations. All such assistance has the approval of the Committee established by Security Council resolution 724 (1991). I should be most grateful if you would take action to ensure that the decision restricting passage across your border with Bosnia and Herzegovina welcomed by the Security Council in resolution 943 (1994) does not have the incidental, and I am sure unintentional, effect of also restricting the delivery of legitimate humanitarian assistance approved by the Security Council".

24. On 6 October 1994, the Co-Chairmen wrote to the Foreign Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro) referring to the above-mentioned letter of the Special Envoy of UNHCR, asking him to use his good offices to help UNHCR and ICRC to continue their humanitarian activities. The Co-Chairmen asserted:

> "The general principle that UNHCR and ICRC, as international humanitarian organizations operating within the framework of Security Council resolutions, should not in any way be impeded in their humanitarian activities by the measures announced by the Government of the Federal Republic of Yugoslavia on 4 August 1994".

25. Based on representations from UNHCR and a letter dated 19 October 1994 received from the Chairmen of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, the Co-Chairmen discussed the matter with President Milosevic during meetings in Belgrade. On 20 October 1994, the Co-Chairmen handed over to President Milosevic a letter on

the subject written to him, with the Co-Chairmen's full support, by the High Commissioner for Refugees, Mrs. Ogata. President Milosevic said he would look into the issue. The Mission Coordinator discussed the issue with President Milosevic on 31 October. President Milosevic indicated his willingness to find a solution to the problem. The Mission Coordinator will meet the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro) and representatives of UNHCR and ICRC on 3 November to discuss the issue.

IX. TRANSIT TRAFFIC

26. The procedures for traffic transiting the territory held by the Bosnian Serbs into the territory held by Serbs in Croatia have now been firmly established. Transports are divided into two categories, one consisting of humanitarian aid (described as "food, clothes and medicine") and the second being fuel. The first is handled by the International Conference on the Former Yugoslavia Mission as all other humanitarian aid, which means that it is checked and loaded under International Conference on the Former Yugoslavia observation and then sealed by the Mission. Because of the nature of the goods transported on these trucks, it has not been deemed necessary to take special measures to control the delivery in Croatia. The second category, fuel, is transported on 52 specially designated trucks, all provided with "tachometers". Normally, convoys of some 20 trucks, escorted by police, transit into Croatia. The tachometers are sealed by the Mission when trucks leave Belgrade two or three times a week, and are removed by the Mission when the trucks return to the starting-point. The first sets of recovered print-outs from the tachometers were sent to the United Kingdom on 1 November for analysis.

X. CERTIFICATION

27. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/49/639
S/1994/1247
4 November 1994
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 42
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Forty-ninth year

Letter dated 2 November 1994 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

On instructions from our respective Governments, we have the honour to transmit herewith the documents entitled "Tegucigalpa International Declaration on Peace and Development in Central America" and "Tegucigalpa Commitments on Peace and Development", adopted by the Presidents of Honduras, Guatemala, El Salvador, Nicaragua, Costa Rica and Panama and by the Prime Minister of Belize at the International Conference on Peace and Development in Central America, held in Tegucigalpa, Honduras, on 24 and 25 October 1994.

We should be grateful if you would have this note and its annexes circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Gerardo MARTINEZ BLANCO
Permanent Representative of Honduras

(Signed) Julio Armando MARTINI HERRERA
Permanent Representative of Guatemala

(Signed) Ricardo CASTANEDA-CORNEJO
Permanent Representative of
El Salvador

(Signed) Erich VILCHEZ ASHER
Permanent Representative of Nicaragua

(Signed) Jorge E. ILLUECA
Permanent Representative of Panama

(Signed) Emilia CASTRO de BARISH
Chargé d'affaires a.i. of Costa Rica

(Signed) Edward A. LAING
Permanent Representative of
Belize

ANNEX I

Tegucigalpa International Declaration on Peace and Development in Central America

We, the Central American Presidents and the Prime Minister of Belize, meeting in Tegucigalpa, Honduras, have agreed on basic commitments stemming from the Alliance for Sustainable Development, which was signed in Managua, Nicaragua, on 12 October 1994. This initiative, together with the agreements adopted in Guácimo, Costa Rica, and the Masaya Volcano Commitments adopted in Nicaragua, illustrates the growing readiness of regional leaders to strive for an increasing degree of integration, democracy, progress and well-being for our peoples.

Our goal in Central America, as we approach a new century, is to build up an alliance among our countries and also with the rest of the world, in order to give direction and permanence to the changes we have undergone in recent years. The resolve to expand democracy which this implies, and the adamant determination to achieve the highest degree of sustainable development, is reflected not only in the action being taken by the Governments of the area within their own countries but also in the growing levels of integration and active cooperation among the States and with the various sectors of society.

Convinced that peace is indispensable for sustainable development, we express the hope that the peace negotiations in Guatemala will be concluded successfully at the end of this year. We reiterate our support for the decision of the people of Guatemala and their President, Ramiro de León Carpio, to sign an agreement as quickly as possible, and we applaud the efforts which the parties are making with the support of the United Nations. Central America is watching hopefully as the last internal conflict in the region draws to a close.

Buoyed by this prospect, the Central American countries are preparing to face the future from the perspective of sustainable development whose primary aim is to enable human beings to realize their potential and place their skills at the service of the community. This complex task can only be carried out through their own efforts with the sustained support of the international community.

After long years of striving, our region has, at last, managed to set itself unequivocally on the path towards sustainable development. In Tegucigalpa, we are concluding a series of dialogues that will usher in a new stage in the relations among the Governments of the area and between them and the various agents in Central American society, the integration organizations and the international community. Such relations will facilitate a better understanding of the problems that will face us, as we approach the next century, in redefining international cooperation and solidarity to conform to the requirements and objectives of sustainable development.

We shall encourage dialogue between the Governments, civil society, regional institutions and the international community, with a view to having a

full debate on the implementation of the commitments undertaken as part of the Alliance for the Sustainable Development of Central America.

Looking forward to such concerted action, and drawing satisfaction from the presence of the international community in such strength at this Conference, we call again on friendly countries and international agencies to provide, as a clear sign of their support for peace and development in the region, the cooperation needed to further the effort in Central America to achieve our sustainable development goals.

We appreciate the warm hospitality of our brothers, the people and Government of Honduras, who have ensured the success of the International Conference on Peace and Development in Central America.

Tegucigalpa, Honduras, Central America
26 October 1994

ANNEX II

Tegucigalpa Commitments on Peace and Development

We, the Presidents of the Central American Republics and the Prime Minister of Belize, closely united by ideals of social responsibility, unity and integration, reaffirm our duty to serve the overall well-being of all Central Americans. Accordingly, we declare our firm commitment to the Alliance for the Sustainable Development of Latin America, its main objective being that the Central American isthmus should be a region of peace, freedom, democracy and development.

Having analysed the centuries-old needs of the region, we have undertaken the following political, economic, social, cultural and integration commitments, to supplement those already adopted at Masaya Volcano on 13 October 1994:

I. POLITICAL COMMITMENTS

Peace

1. We undertake to apply ourselves to consolidating and continuing to build peace in the region in a dynamic and active way, in order to foster the comprehensive development of our societies, by intensifying the struggle against poverty, consolidating democracy and the rule of law, modernizing production, preserving the environment, making rational use of renewable natural resources and modernizing the State.

We thus call on the international community to give the strongest possible support to this decision. Moreover, we invite global and regional, financial and technical institutions to take into account, in their policies, plans and programmes of work, the situation of Central America as a region and the qualitative differences that exist in the development of countries and, consequently, to recognize, in the action they take, the different economic and social circumstances of States.

Democracy

2. We undertake to define a plan of action to develop and enhance the process of decentralizing and deconcentrating government offices while respecting the region's cultural and ethnic diversity.

We call upon the national councils for sustainable development to exchange information on experiences and progress in this area. In addition, we agree to meet, as the Central American Council for Sustainable Development, during the first half of 1995, with members of the national councils for sustainable development.

3. We shall institute a plan for the administrative, financial and political development and consolidation of local governments.

We undertake to make every effort to facilitate consolidation of the various forms of organization of civil society.

4. In the context of strengthening the observance and effective enjoyment of human rights, we undertake to work steadily to promote human rights in our respective countries.

To that end, we urge the Central American Council of Lawyers for Human Rights, with the support of the General Secretariat of the Central American Integration System (SG-SICA), to carry out a study of its human rights activities and to submit a report thereon proposing ways and means of encouraging and systematizing these activities.

5. We undertake to implement a plan of action concerning education for peace and democratic coexistence by updating, extending and enhancing curricula.

We hereby enjoin the educational authorities of all the countries in Central America to prepare a plan of action that will update, extend and enhance curriculum content at every level with respect to education for peace and democratic coexistence. We stress the importance of the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the establishment in El Salvador of the first International Centre for the Culture of Peace, whose activities will be decisive in promoting a culture of peace in our region.

We also stress the importance of early implementation of the programme for a culture of peace and democracy in Central America, which has already received the support of the University for Peace.

Regional Security

6. We shall move ahead with our commitment to improve the administration of justice and to fight crime, thereby ensuring the security of our citizens.

We hereby enjoin the Council of Ministers for Foreign Affairs to take cognizance of the "justice in progress" plan of action prepared by the United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders and to transmit it to the appropriate national and regional authorities for execution as soon as possible in order to strengthen and consolidate democratic institutions and the rule of law.

7. We underscore our commitment to wage a determined battle against drug trafficking and crime as stated in the agenda and programme of action adopted at the fifteenth meeting of the Central American Presidents.

In the context of that commitment, we hereby assign to the pertinent national authorities and the Permanent Central American Commission for the Eradication of the Production, Traffic, Consumption and Illicit Use of Drugs and Psychotropic Substances responsibility for the preparation of a detailed report on progress in complying with the agreements adopted during the meeting at Guácimo. We reiterate our instructions regarding the establishment of a

regional anti-drug force within the time-period agreed at that meeting. We also state our renewed determination to step up the collection and exchange of information for the purpose of combating crime.

8. We shall encourage actions and measures which have a positive, direct impact on increasing and improving the security of people throughout region.

To that end, we reiterate our support for the work of the competent authorities to bring about the speedy establishment and operation of a Central American institute for the training and strengthening of the civil police.

9. We undertake to strengthen and modernize, both technically and financially, the institutions and mechanisms for preventing and controlling corruption and tax evasion, and to promote the harmonization of our respective countries' legislation in these fields.

10. In pursuance of the decisions on regional security taken at our fifteenth meeting, we hereby decide to reactivate the Central American Security Commission for the purpose of producing the model for regional democratic security referred to in paragraph 11 of the Guácimo agenda.

11. We hereby decide to continue to encourage and support implementation of the plan for mine-clearing in Central America, an effort which requires the support of the international community.

12. We express our interest in having the office for Central America and the Caribbean of the United Nations Centre for Disarmament and Peace established in Honduras.

II. ECONOMIC COMMITMENTS

13. We undertake to orient our efforts in the economic field in accordance with the terms of the Alliance for the Sustainable Development of Central America so as to improve the economic and social well-being of the Central American people and achieve proper integration into the international economy and a greater degree of autonomy in determining our destiny.

13.1. We hereby enjoin the specialized regional organizations to formulate proposals for action on the 12 economic objectives of the Alliance for Sustainable Development.

13.2. We hereby enjoin the forum of Ministers of Economic Affairs, with the support of the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA) and the specialized regional organizations, to carry out a qualitative assessment of progress towards implementing the Central American economic agenda and to harmonize it with the substantive content of the Alliance for the Sustainable Development of Central America, taking into account the objectives and commitments of the Alliance.

Priority areas

14. We believe that priority should be given to efforts to:

14.1. Promote the harmonization and coordination of the macroeconomic and sectoral policies of our countries.

14.2. Expand and improve the training of the region's human resources with a view to incorporating large segments of the population into competitive production processes.

14.3. Effectively integrate Central America into the world economy through established mechanisms.

14.4. Develop sustainable production processes which stimulate production without harming the environment.

14.5. Implement an industrial conversion programme in keeping with the aims of the Alliance for Sustainable Development.

14.6. Encourage support for development programmes and projects in the area of ecologically sustainable tourism.

14.7. Reconstruct, rehabilitate and modernize the regional infrastructure, especially transportation, energy and telecommunications, in harmony with the provisions of the Alliance for Sustainable Development.

14.8. To raise economic growth rates in order to reduce poverty and ensure the social and political sustainability of peace and development processes in the region.

15. External debt

In the light of our enormous debt burden and the limited availability of resources to promote the sustainable development of our countries, we undertake to assist one another in the negotiations we have entered into on the subject and, where appropriate, to work together to achieve shared objectives in this regard.

16. Development of border regions

We believe that sustainable development projects which are designed to help settlers and inhabitants in Central America's border zones combat marginality and poverty also encourage preservation of natural resources and foster harmony among our peoples. Accordingly, we support efforts along these lines.

17. Science and technology

We enjoin the Central American Commission on Science and Technology to submit a report to the next meeting of our Presidents, based on our respective national studies on the progress made in implementing the regional programme on science and technology.

III. SOCIAL COMMITMENTS

18. Investment in the human person

We undertake to place the human person at the centre of the Alliance for Sustainable Development, within a framework of equity, solidarity, equality of opportunity and full participation in society. Ensuring the access of the entire population to basic social services, whose quality must be gradually improved, is one feature of this commitment.

We enjoin our Ministers of Social Affairs, in coordination with the Regional Social Affairs Commission, immediately to convene a meeting to discuss and elaborate general guidelines which should within a short period of time provide the basis for a regional social policy; upon completion, this policy should be transmitted to the very next meeting of Central American Presidents.

19. Treaty on social integration

In keeping with the foregoing commitment and with the agreement reached at our fifteenth meeting, we continue to support the broadest possible consultations with a view to the elaboration of a treaty on Central American social integration. This treaty, which will take into account the views of the various sectors involved, will be elaborated by the Regional Social Affairs Commission and the appropriate channels within the Central American Integration System, and will be introduced at the next meeting of Central American Presidents.

20. Overcoming poverty

We undertake to launch development programmes that will enhance the real impact of anti-poverty measures and, in the medium and long term, thereby make it possible more easily to overcome the structural components of poverty and stimulate social investment consistent with the provisions of the Alliance for Sustainable Development.

We enjoin our Ministers of Social Affairs, in coordination with the Regional Social Affairs Commission, to present a plan and programme for the technical implementation and funding of this commitment.

We call upon the international financial institutions to join this Central American effort and to support, inter alia, the Central American social investment programme to combat poverty.

We will strengthen the mechanisms to fight poverty on the basis of the criteria of subsidiarity, solidarity, shared responsibility and self-management and will accord priority to training and to support for the municipal structures in charge of community organization and participation.

21. Action to combat discrimination

We undertake to continue working for the elimination from Central American society of all actions likely to encourage discrimination on grounds of gender, ethnic origin, nationality, age, illness and religious or political beliefs.

In this regard, we reiterate our commitment to the establishment of the conditions necessary for the complete elimination of all forms of discrimination from our societies.

22. Development of populations affected by conflict

We undertake to bring populations affected by armed conflict into the development process in the context of reconciliation and non-discrimination, so as to facilitate the transition from emergence to development.

23. Education and health

We undertake to give priority to promoting the education and health of the Central American people, for they are most crucial to the sustainable development of the region.

To this end, we enjoin our Ministers of Education to implement the regional projects adopted at the fourteenth regular meeting of the Central American Educational and Cultural Coordination System (CECC); furthermore, we enjoin the Council of Central American Ministers of Health (COMISCA) to encourage the prompt implementation of the principles, areas, components and objectives of the third phase of the Central American health initiative, within the framework of the Alliance for Sustainable Development. We reiterate our adherence to the Nariño Commitment which was adopted at the Second Meeting on Children and Social Policy in the Americas.

24. Food and nutritional security

It is our intention to ensure that the people of Central America are able to benefit from a properly functioning food and nutritional security system suited to the characteristics and modalities of each country.

To this end, we enjoin our Ministers of Economic Affairs and our Ministers of Social Affairs to identify and support measures to translate our commitment into reality.

We call upon the private sector in Central America actively to participate in securing food and nutritional security for our populations by applying standards which ensure food quality and accurate weights and measures and which protect the food supply with biological, toxicological and nutritional controls.

25. Family and sustainable development

We undertake to integrate economic policies with social and cultural policies in order, through a comprehensive approach, to promote the family as

the centre around which Government policies are built and towards which the resulting programmes are directed.

We entrust the forum of Ministers of Social Affairs, with the support of the Technical Secretariat of the Regional Social Affairs Commission (ST-CRAS) to carry out, in consultation with the national coordinators, a qualitative assessment of the progress made in implementing the commitments entered into at the Tegucigalpa social summit (December 1991) and to report on their findings within no more than 120 days. The report shall include recommendations for moving ahead towards the targets defined by the national plans of action and bringing them into line with those of the Alliance for Sustainable Development.

We reiterate our unqualified commitment to the agreements entered into at the World Summit for Children, and to establishing appropriate machinery to adapt our countries domestic legislation to the Convention on the Rights of the Child, within the framework of sustainable human development.

26. Integration of women into development

We shall continue to foster complete equality between men and women and to increase the contribution of women to social progress and development. We shall also actively pursue policies aimed at eliminating the obstacles to such equality and thus promote the full participation of women in improving society.

27. Follow-up mechanism

We undertake to give particular attention to implementing the commitments made in the social sphere and we instruct the Regional Social Affairs Commission to submit to us for consideration, within six months, proposals regarding a mechanism for enhancing social information systems, at national and regional levels.

IV. CULTURAL COMMITMENTS

28. We undertake to make culture the highest expression of our national and regional identity, within the framework of the Central American Integration System, while respecting the ethnic and cultural diversity of our peoples and remaining in touch with the changes that are taking place throughout the world.

29. Strategy

We enjoin the Regional Social Affairs Commission to draw up, through the Central American Educational and Cultural Coordination system and in conjunction with the Central American Commission on Environment and Development, a strategy to implement, in consultation with the National Councils on Sustainable Development, the cultural commitments deriving from the Alliance for Sustainable Development.

30. Cultural heritage

We enjoin the Ministers of Culture, or the relevant national authorities, to submit to their respective Ministries of Foreign Affairs, within six months, the following draft treaties:

A Central American agreement for the protection of the cultural heritage;

A Central American agreement on the organization of exhibitions of archaeological, historic and artistic artefacts;

A Central American agreement for the restitution and return of unlawfully removed cultural property.

We enjoin the Regional Social Affairs Commission, to have the Central American Educational and Cultural Coordination System draw up a plan to initiate legal or administrative measures to achieve greater efficiency in the implementation, updating and modernization of laws that safeguard and protect the cultural heritage.

V. ASSESSMENT OF THE LEGAL FRAMEWORK OF INTEGRATION

31. We entrust the General Secretariat of the Central American Integration System in conjunction with the specialized secretariats for the areas encompassed by the Alliance for the Sustainable Development of Central America, with the task of preparing a report on the status of any binding Central American treaties, agreements, protocols and instruments, as regards their signature, ratification and deposit, and the extent to which they are applied and operational within the signatory States of the Alliance.

This report shall be submitted to the Council of Ministers for Foreign Affairs in order that the Ministers may make recommendations to the Central American Council for Sustainable Development at the sixteenth meeting of Central American Presidents.

32. We undertake to see to the elaboration and implementation, using the mechanism of the Alliance for Sustainable Development and with the participation of the Ministries or Secretariats of information and the support of the appropriate regional institutions, of a continuing programme to provide information regarding the Alliance, its results and achievements, in implementation of the commitments made.

Tegucigalpa, Honduras, Central America, 25 October 1994

ANNEX III

Communiqué

We, the Presidents of Central America and the Prime Minister of Belize, meeting at Tegucigalpa, Republic of Honduras, on the occasion of the International Conference on Peace and Development in Central America,

1. Express our deep satisfaction at the restoration of the democratic and constitutional government of President Jean-Bertrand Aristide in Haiti;

2. Acknowledge the decisive contribution which the international community has made, and the key role it must continue to play in the complex reconstruction and reconciliation effort that has begun;

3. Offer the Government of President Aristide and the people of Haiti renewed assurances of our active solidarity; the entire hemisphere is hoping that theirs will be a prosperous and democratic future.

Tegucigalpa, Honduras, 25 October 1994

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1248
4 November 1994

ORIGINAL: ENGLISH

LETTER DATED 3 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to request an urgent meeting of the Security Council to consider the situation in the Republic of Bosnia and Herzegovina in the light of resolution 49/10 adopted on the matter by the General Assembly on Thursday, 3 November 1994.

(Signed) Jamsheed K. A. MARKER
Permanent Representative

94-43232 (E) 041194 051194

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1249
4 November 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 4 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position on the new developments that have taken place in connection with the question of Iraq's compliance with the Security Council resolutions relating to its aggression against the State of Kuwait since the Council last reviewed the sanctions regime on 14 September 1994.

The Security Council has put an end to the desperate attempts of the Iraqi regime to circumvent the relevant resolutions and to act selectively in their implementation by reordering its scale of priorities and placing at its head the essence and core of the problem as represented by Iraq's procrastination and its refusal to recognize the sovereignty and independence of Kuwait within the international boundaries endorsed by resolution 833 (1993) and the issue of prisoners, detainees and missing persons, the subject of paragraph 2 (c) of resolution 686 (1991) and paragraph 30 of resolution 687 (1991), and by its resolve that Iraq must discharge these obligations in full before consideration is given to the possibility of mitigating the sanctions regime.

Since the last review of the sanctions regime by the Council there have been a number of new developments, and I should like to state Kuwait's position in their regard.

1. The joint communiqué issued by the Russian Federation and Iraq on Thursday, 13 October 1994 (S/1994/1173, annex), in which Iraq affirmed its readiness to resolve in a positive manner the issue of recognizing Kuwait's sovereignty and its boundaries as endorsed by resolution 833 (1993), was a declaration of intent. It will remain a declaration of intent if it is not followed by specific acts and measures to transform it into an accomplished fact in conformity with the declaration made. The statement made in the communiqué does not represent a legal or political commitment to respect by Iraq for the sovereignty, political independence and international boundaries of Kuwait.

2. Iraq's recognition of Kuwait and of the boundaries endorsed by resolution 833 (1993) must proceed from the highest constitutional authorities of Iraq, must be official and must be documented in the manner long demanded by the Council, namely and specifically by:

(a) The promulgation of a legislative Act by the Revolution Command Council of Iraq;

(b) The promulgation of a legislative Act by the Iraqi National Assembly;

(c) Publication of the two Acts in the Iraqi official gazette;

(d) Documentation at the United Nations of the two Acts and of the announcement of their promulgation in the Iraqi official gazette.

It is stated in the eighth preambular paragraph of resolution 949 (1994), which was adopted unanimously by the Security Council on 15 October 1994 in order to address the latest developments, that "Iraq must unequivocally commit itself by full and formal constitutional procedures to respect Kuwait's sovereignty, territorial integrity and borders, as required by resolutions 687 (1991) and 883 (1993)".

Consequently, any form of recognition that does not accord with such constitutional procedures is to be regarded as an evasion of the requirements of resolution 949 (1994), which was adopted under Chapter VII of the Charter.

3. In a manner that reflects intentions that are other than peaceful and a desire for intimidation and blackmail, the Iraqi authorities have taken the following political and practical measures:

(a) On 6 October 1994, the Revolution Command Council of Iraq issued a statement in which it made threats against the State of Kuwait and threatened the Special Commission for the elimination of weapons of mass destruction that it would discontinue its cooperation with it if the terms set forth in the statement were not met;

(b) It moved large numbers of forces and armour close to its borders with Kuwait and deployed them in a manner reminiscent of the military situation that prevailed a few days before the invasion of Kuwait on 2 August 1990, thereby once again bringing to the region a climate of tension, concern and instability.

The Security Council was decisive and unequivocal in addressing these threats by issuing its presidential statement of 8 October 1994 (S/1994/PRST/58) and adopting its resolution 949 (1994) of 15 October 1994. In both texts, it underlines the unacceptability of the implications of the Iraqi statement and Iraq's full responsibility to accept all the obligations contained in all the relevant Security Council resolutions. In the resolution, the Council condemns the military movements in question, demands that Iraq withdraw its forces and refrain from any repetition of such actions and reaffirms the Council's commitment to the sovereignty and territorial integrity of Kuwait and to the inviolability of its borders.

The latest Iraqi threats once again disclose and confirm the non-peaceful intentions that the Iraqi regime harbours for Kuwait and for the region. They have undermined the trust that the Iraqi regime has been trying to delude the members of the Security Council and the international community into believing it to deserve, and they have placed a large question mark over the claims of the

Iraqi regime that it wishes to continue to cooperate in the implementation of the resolutions of the Security Council. Kuwait affirms in this connection that the only way to compel Iraq to comply definitively with the implementation of these resolutions is for the Security Council to continue constantly to ascertain the degree of trust that can be placed in the promises and commitments of the Iraqi regime and to refuse to negotiate with Iraq on its obligations, to reward it for its policies of aggression or to strike any deals with it.

In the fourth preambular paragraph of its resolution 687 (1991), the cease-fire resolution, the Security Council reaffirms the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait. We are entitled in this connection to assess the extent of Iraq's compliance with this provision, part of a resolution that was accepted by Iraq unreservedly and unconditionally, by raising the following legitimate questions:

Does it reflect peaceful intentions on the part of Iraq that it should refuse to recognize the sovereignty and independence of Kuwait and claim that Kuwait belongs to Iraq for more than three years after the adoption of the resolution?

Does it reflect peaceful intentions on the part of Iraq that it should continue to reject resolution 833 (1993) endorsing the boundaries demarcated by the Iraq-Kuwait Boundary Demarcation Commission?

Does it reflect peaceful intentions on the part of Iraq that it is continuing to hold prisoners and hostages and that it has failed to cooperate with the International Committee of the Red Cross and with the efforts of the League of Arab States, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries and individual international efforts in this important humanitarian issue?

Does it reflect peaceful intentions on the part of Iraq that the Iraqi authorities should procrastinate for many months and place many obstacles in the way of the inspection teams of the Special Commission for the elimination of weapons of mass destruction?

Does it reflect peaceful intentions on the part of Iraq that a statement was issued by the Revolution Command Council of Iraq on 6 October 1994 threatening the State of Kuwait, the Security Council and the Special Commission?

Does it, finally, reflect peaceful intentions on the part of Iraq that it recently concentrated some 80,000 armed Iraqi soldiers near its borders with Kuwait?

These legitimate questions, in fact, refute any claim made by anyone that the Iraqi regime has peaceful intentions. The Iraqi regime has further lost the credibility and trust necessary for any assurance that it will honour its undertakings and obligations in the future, and the Security Council is consequently called upon to set strict principles and standards by which to ascertain that Iraq's undertakings with respect to the implementation of

Security Council resolutions are to be taken seriously and that it will not disavow those obligations on some pretext.

As regards Iraq's record in the implementation of the other obligations entailed by resolution 687 (1991), the cease-fire resolution, no appreciable change has taken place. For example, the outward cooperation of the Iraqi regime in the matter of the return of the property seized during the invasion and occupation of Kuwait should not distract one's attention from the fact that Kuwait has submitted many lists of items that have yet to be returned. They include heavy military equipment that was used by Iraq during the recent military movements near Kuwait's borders. Iraq has also failed to discharge its obligations with respect to the United Nations Compensation Fund, the renunciation of terrorism and the implementation of Security Council resolutions 706 (1991) and 712 (1991).

All of the resolutions adopted by the Council on Iraq's aggression against Kuwait, including resolution 949 (1994), the most recent, are to be regarded as a means to an end, the end being to ensure full respect for the independence, sovereignty, territorial integrity and international boundaries of Kuwait, to secure the return of the prisoners and detainees and determine the fate of the missing, and to ensure the establishment of peace, security and stability in the Gulf region. The objectives we and the Security Council are endeavouring to achieve will be difficult for us to attain in the absence of peaceful intentions in word or deed and compliance with the letter and spirit of all the resolutions on the part of the Iraqi regime.

As a result of all the foregoing, the Security Council, by virtue of its legal and political responsibilities and in accordance with its knowledge and experience of the methods and manoeuvres of the Iraqi regime, must make the standard of peaceful intentions the basis on which to assess the true character of Iraq's compliance and its fulfilment of the requirements made of it by the relevant Security Council resolutions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1250
4 November 1994

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The President of the Security Council has the honour to transmit to the Security Council a letter dated 3 November 1994 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

Annex

Letter dated 3 November 1994 from the Executive Chairman of the Special Commission addressed to the President of the Security Council

I have the honour to refer to the report of the Secretary-General on the status of the implementation of the Special Commission's plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991) (S/1994/1138). In paragraph 32 of the report, attention is drawn to the serious financial situation currently confronting the Special Commission where the resources available to it will be depleted by the end of December 1994. The report suggests that the "Council needs to address the issue of both short- and long-term financing at an early date if it is to have an assured and effective monitoring system".

Since that report was written, I have actively pursued the issue with potential contributors and I regret that I have been unable to obtain any assurances of a timely provision of the funds needed to continue operations of the Commission and the International Atomic Energy Agency (IAEA) as of early 1995. In these circumstances, I have had to report as follows to the Special Commission at its eighth plenary session held on 1 and 2 November 1994:

> "... the financial situation is now so serious, and there are no signs of new funds becoming available, that the Commission has had to, out of a sense of financial responsibility, start contingency planning for the incremental closure of its operations. The following is a summary of this plan as it stands with current prospects for funding:
>
> "1. Non-resident inspection teams would cease to be deployed into Iraq on or about 15 December 1994;
>
> "2. Resident monitoring teams would gradually cease operations as personnel would not be replaced. Through this attrition, all monitoring group activities would cease as of 1 February 1995. The biological group would not be deployed in December as planned;
>
> "3. Ongoing monitoring and verification support teams would not courier biological and chemical monitoring equipment into Iraq during December. These teams would commence the removal of remote site cameras and other sensor equipment during January 1995;
>
> "4. New York staff reductions would commence in mid-December to reflect the cessation of mission planning, protocol-building and data analysis from the monitoring groups. The remaining staff's efforts would focus upon closure actions in New York and supporting the withdrawal of the counterpart monitoring groups in Baghdad;

"5. Aerial inspection team operations would cease in January and the photographic laboratory would be disassembled and removed to Bahrain. On or before 1 February 1995, the helicopter unit would leave Iraq;

"6. Final closure actions within the Baghdad Monitoring and Verification Centre would be completed by 15 February 1995, when the Centre staff, medical and communications personnel would leave on the last C-160 flight for Bahrain;

"7. The C-160 unit would withdraw from Muharraq on or before 20 February 1995. The United Nations Special Commission (UNSCOM) Field Office in Bahrain would close on this date;

"8. New York operational and analytical staff would be completely dispersed by the end of February 1995."

You may wish to bring the foregoing to the attention of the members of the Council so that they may consider appropriate steps to permit the Commission and IAEA to discharge their mandates.

The Commission and IAEA, obviously, will continue to do everything in their power to continue to carry out the duties entrusted to them by the Security Council for as long as those duties so require and to seek the funds needed to do so. However, I would be remiss if I did not now inform the Council officially of our serious resource situation and the steps that are being contemplated if that situation is not remedied in the next few weeks. If operations and planning are to continue at the present level, a deposit in the escrow account in the amount of $5 million, earmarked for the Commission, is required in December 1994. In 1995 it is estimated that funding in the area of $25 million will be needed, including the above amount of $5 million.

(Signed) Rolf EKÉUS
Executive Chairman
Special Commission

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/1251
4 November 1994

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 51st plenary meeting of its forty-ninth session, on 3 November 1994, the General Assembly adopted resolution 49/10, entitled "The situation in Bosnia and Herzegovina". 1/

2. In paragraphs 21, 22 and 24 of the resolution, the General Assembly:

...

"21. Urges the Security Council in fulfilling its responsibility under Article 24 of the Charter of the United Nations, to take all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina in cooperation with States Members of the United Nations and the Government of the Republic of Bosnia and Herzegovina;

"22. Encourages the Security Council to give all due consideration and exempt the Governments of the Republic and Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Security Council in resolution 713 (1991) of 25 September 1991 and as further outlined in the eighth preambular paragraph of the present resolution;

...

"24. Requests the Security Council to act immediately to close all detention camps in Bosnia and Herzegovina and to further close concentration camps in Serbia and Montenegro and Bosnia and Herzegovina established by the Serbs and, until implementation, to assign international observers to these camps".

Notes

1/ See document A/RES/49/10.

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